

## **INDUSTRIAL RELATIONS LAW**

The appropriate governments hold the reins of industrial adjudication. The scope and extent of discretion in referring a dispute as well as in implementing a decision present complex and are areas of interesting study. What are the international norms relating to industrial adjudication? Are they followed in India? Is the statutory silence on the criteria for adjudication conducive to bringing industrial peace? How did the process of judicial review help evolving significant formulations on certain core areas of industrial relations despite the statutory prescription of finality of industrial adjudication?

As the terms and conditions of labour are enumerated in the certified Standing Orders the machinery under the standing order Act assumes significance in Law relating to Labour Management Relations. Industrial Relation Act 1978 was sought to be enacted by the Central Government. The Industrial Relation Bill 1978 wanted to achieve the same by combining the three Acts pertaining to labour management Relations. They were The Industrial Disputes Act, 1947 and Trade Union Act, 1926 and Industrial Employment (Standing Order ) Act, 1956 . The Trade Unions raise their issues with the management of the industries on different matters. There are things falling within the preview of Industrial Employment Standing Orders Act 1956 as the terms and conditions of labour forms a pivotal role in the matter of Industrial Dispute. These problems are to be studied from a critical angle and with a comparative thrust on development in other common law countries. The following syllabus prepared with this perspective comprising of 5 units will be spread over a period of one semester.

### **Syllabus**

#### **1. Industrial Relation -Perspectives and Foundations**

Industrial Relations: Concept – Concept Of Master And Servant Relationship - State Regulation Of Employer - Employee Relationship- Concept Of Industry- Industrial Dispute- Juridical Formulation- Constitutional Goals Protecting Capital And Labour

#### **2. Voluntary Dispute Settlement Mechanism**

Voluntary Settlement And Conciliation – Arbitration - Collective Bargaining- Comparative Overview Of Access To Adjudicatory Process In The UK , USA , And India

#### **3. Adjudication Process**

Access To Adjudication - Reference Power Of Government- Adjudication Authorities- Direct Access To Adjudicatory Authority - Judicial Review Of The Reference Power And Adjudicatory Process - Writs And Appeal - Comparative Appraisal Of Adjudicatory Process in India , UK, USA.

#### **4. Employers and Employees rights**

Lay off- Retrenchment and Closure in industry - transfer of undertaking- Legal Control of lay-off retrenchment and closure - Retrenchment the widening dimensions through decisional law - Comparative over view of position in UK and India.

#### **5. Industrial employment**

Terms And Conditions Of Labour- Nature And Certification Of Standing Orders- Misconducts In Industrial Employment- Disciplinary Action- Domestic Enquiry Procedure – Punishment.

### **PRESCRIBED BOOKS AND JOURNALS:**

- O.P. Malhotra, *The Law of industrial Disputes*. (1981) (Tripathi),  
K.D. Srivastava - *Law Relating to trade Unions and Unfair Labour Practices in India*. (Eastern Book Company),  
V.V. Giri, *Labour Problems in Indian industry* (Asia Publishing House),  
V.B. Kher - *Indian Trade Union Law*,  
J.N. Mallik-*Trade Law*, (S.C. Sarker & Sons),  
Ganga Sahai Sharma - *Trade Union Freedom in India*. (Deep and Deep Publication),  
S.N. Dhayani - *Trade Union and the Right to strike*. (S. Chand & Co.),  
Morris D. Korkash - *A Treatise on Labour Law*. (The Bobbs. Merrill Co. Inc.),  
Banjamin. J. Taylor & Fred Witney - *Labour Relations Law*. (Practice Hall),  
Otto - Kahan Freund- *Labour and the Law* (Stevan & Sons),  
Roger W. Rideout- *Principles of Labour Law* (Sweet & Maxwell).  
Indian Law Institute “*Labour Law and Labour Relations*” (1969), (1987) Parts II to VII, IX & XI  
National Commission on Labour (1969), Chapters 22 & 23.  
ILO on “*Conciliation in Industrial Disputes*” (1978)  
Roger Benedictus, “*Labour Law : Cases and Materials*” (1987) , Chapters 7 and 10.  
Roger W. Rideout, “*Rideout’s principles of Labour Law*” (1983), Chapters 4, 5 and 6.  
Norman, M. Selwyn, “*Law of Employment*” (1985), Chapters 7, 8 and 9.  
H.L. Kumar, “*Retrenchment, Lay off and closure*” (1995).  
Malhotra, “*The Law of Industrial Disputes*”, Vol. 1, (1988).  
ILI, “*Labour Law and Labour Relations*”, Parts 11, IV, VI, VII, IX, and XI.  
Rideout, “*Principles of labour Law*” (1983), Ch. 4, 5 & 6.  
Russel A. Smith, et al. “*Collective Bargaining and Labour Arbitration*”, (1970) Part-II.  
Robert A. Gorman, “*Basic Text on Labour Law*”, Ch. 23, 24 and 25 (1976).  
I.P. Massey, “*A legal Conundrum in Labour Law*”, 14 JILI 386 (1972).  
S.C. Srivastava, “*Voluntary Labour Arbitration: Law and Policy*”, 23, JILI 349, (1981).  
Arjun P. Aggarwal “*Conciliation and Arbitration of Labour disputes in Australia*” J.I.L.I 30 (1966).  
D.C. Jain, “*Meaning of Industry: Wilderness of Conjectural Justice*” (1986) 3. S.C.C. Journal, 1.  
T.N. Singh, “*Futuristic Industrial Jurisprudence a Poser*”, (1986) 3 S.C.C. Journal 15.  
Chaturvedi.R.G., *Law and Procedure of Departmental Enquiries and Disciplinary Actions* (1997)